

**CONDON // FORSYTH**

Direct Dial: (212) 894-6892  
Direct Fax: (212) 370-4453  
abattista@condonlaw.com

May 9, 2023

**VIA ECF**

The Honorable Paul G. Gardephe  
United States District Judge  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: Abadi v. British Airways PLC et al  
Case No.: 21-cv-10825-PGG-SN  
C&F Ref: 1500.10487

**MEMO ENDORSED**  
*The application is denied.*

**SO ORDERED:**

*Paul G. Gardephe*  
\_\_\_\_\_  
**Paul G. Gardephe, U.S.D.J.**

Dated: *August 21, 2023*

Dear Judge Gardephe:

We represent Defendants British Airways Plc (“British Airways” or “BA”) and Matthew J. Roberts. We respectfully submit this letter to apprise the Court of material developments that have occurred in the time since the Court dismissed this action without prejudice and for the relief outline below.

By way of background, Plaintiff Aaron Abadi commenced this action in December 2021 and seeks damages for injuries he allegedly sustained when he was not permitted to travel on a flight from New York to India after ground staff mistakenly thought he did not possess proper travel documents. Mr. Abadi also alleges that he has a sensory processing disorder that renders him unable to wear a mask and that he received conflicting information from BA as to whether he could travel on the flight without a mask pursuant to regulations promulgated by various governmental agencies. Inclusive of exhibits, the complaint is 140 pages long. This lawsuit is one of at least ten that Mr. Abadi has commenced against various businesses around the country, including NYU Langone Hospital, Wal-Mart, Target, Caesars Entertainment in Las Vegas, and Walt Disney Parks and Resorts, and Apple, Inc., in which he challenges mask-related requirements that were imposed at the height of the COVID-19 pandemic.<sup>1</sup> Mr. Abadi also has filed several lawsuits against various government agencies challenging those agencies’ COVID-related protocols.

The Honorable Magistrate Judge Netburn ordered that the parties participate in the Court-annexed Mediation Program in July 2022. Dkt. 19. Following unsuccessful mediation in December 2022, Mr. Abadi submitted a request that this action be voluntarily dismissed without prejudice. [Dkt. 26]. Plaintiff asserted that he sought additional time to “prepare a more well-

<sup>1</sup> See, e.g., *Abadi v. Apple, Inc.*, 1:23-cv-03367-PGG-VF (S.D.N.Y.).



Hon. Paul G. Gardephe  
May 9, 2023  
Page 2

written complaint and/or find an attorney to represent me.” Based on these representations, British Airways consented to the application.

This Court granted Plaintiff’s application to dismiss the Complaint without prejudice on May 2, 2023. However, on May 1, 2023, prior to the dismissal of this lawsuit, Mr. Abadi commenced a new action against British Airways, Mr. Roberts, and more than forty other foreign and domestic air carriers, along with numerous other governmental officials including President Biden and Dr. Anthony Fauci, as well as various governmental agencies. Exclusive of eighty-three (83) exhibits, the complaint is 292 pages in length. Mr. Abadi filed the lawsuit in the Amarillo Division of the United States District Court for the Northern District of Texas. *Abadi v. American Airlines Group Inc. et al*, 2:23-cv-74-Z (N.D. Tex.), at Dkt. 3.

The allegations as to BA and Mr. Roberts are virtually identical in the two lawsuits. *Compare* Dkt. 2 at ¶¶ 11-22, with *Abadi v. American Airlines Group Inc. et al*, 2:23-cv-74-Z (N.D. Tex.), at Dkt. 3 at ¶¶ 294-314.

Shortly after the filing of the Complaint in Texas, the Honorable District Judge Kacsmaryk *sua sponte* transferred the action to the United States District Court for the Southern District of New York for improper venue under 28 U.S.C. § 1406(a), holding that Mr. Abadi could not establish venue under 28 U.S.C. § 1391. *Abadi v. American Airlines Group Inc. et al*, 2:23-cv-74-Z (N.D. Tex.), at Dkt. 9.

British Airways would not have consented to Plaintiff’s application had it known that Plaintiff would refile an action in Texas that includes more than 40 other airlines and various other parties. British Airways respectfully submits that Mr. Abadi’s request that this Court permit him to dismiss this case was made in bad faith for the purpose of forum shopping and engaging in vexatious litigation.

In light of Mr. Abadi’s material misrepresentations to this Court, coupled with the newly refiled action with identical allegations against British Airways – a lawsuit that was filed while this action remained pending – British Airways respectfully requests that the Court reconsider its previous order dismissing the action without prejudice, consolidate the two actions by Abadi in the Southern District of New York, and afford British Airways the opportunity to file a motion to dismiss Abadi’s claims with prejudice.

If the Court prefers, British Airways will file a formal motion requesting the above relief.

**CONDON // FORSYTH**

Hon. Paul G. Gardephe  
May 9, 2023  
Page 3

We thank the Court for its consideration.

Respectfully submitted,



Anthony U. Battista

AUB:zc

cc.: Aaron Abadi, Plaintiff

Marissa N. Lefland, Esq. – Condon & Forsyth LLP